

REMARKS

Claims 1, 3, 5-7, 10, 11, 13-21, 23-31, and 34-44 are pending in this application. Non-elected claims 17-20 and 24-29 have been withdrawn from consideration by the Examiner. By this Amendment, claims 1, 3, 10, 11, 21, 23, 26, and 29 are amended. Support for the amendments to the claims may be found, for example, in the specification and claims as originally filed. No new matter is added.

In view of the foregoing amendments and following remarks, Applicants respectfully request reconsideration and allowance.

I. Personal Interview

The courtesies extended to Applicants' representative by Examiners McCulley and Eashoo at the interview held February 18, 2010, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

II. Rejection under 35 U.S.C. §112, First Paragraph

The Office Action rejects claims 39 and 40 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse the rejection.

As discussed during the interview, freezing the aggregation of the particles is described in paragraph [0077] of the specification. As such, one of ordinary skill in the art would have understood from the specification the contested feature. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

III. Rejection under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 41 and 42 as being indefinite under 35 U.S.C. §112, second paragraph. Applicants respectfully traverse the rejection.

As discussed during the interview, both claims 41 and 42 recite proper Markush groups because the list properly uses commas and semi-colons to set apart the various listings of recited elements. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

IV. Rejections Under 35 U.S.C. §103

The Office Action rejects claims 1, 3, 5-7, 10, 11, 13-16, 21, 23, 30, 31, and 34-44 under 35 U.S.C. §103(a) over U.S. Patent No. 6,210,853 to Patel et al. ("Patel") in view of U.S. Patent Application Publication No. 2002/0107306 to Wang et al. ("Wang"). Applicants respectfully traverse the rejection.

Claims 1 and 10 would not have been rendered obvious by Patel and Wang. The Office Action acknowledges that Patel does not disclose (1) an "epoxy resin" as recited in claims 1 and 10, (2) the elected polyfunctional amine as a curing agent, or (3) "adding at least one curing agent to the coalesced particles" as recited in claim 1 or "mixing curable resin particles comprising an epoxy resin and at least one curing agent with an aggregating agent in an aqueous dispersion" as recited in claim 10.

Although Wang is asserted to cure the above deficiencies, one of ordinary skill in the art would not have had a reasonable expectation of success in combining the features and/or steps of Wang into the process of Patel. As acknowledged in the Office Action, Patel fails to even mention or suggest the use of an epoxy resin or curing agent in its process, thus rendering the components of Patel and Wang different.

Similarly, the processes of Wang and Patel are different. In particular, Wang cannot be reasonably asserted to cure Patel's failure to teach (3) "adding at least one curing agent to the coalesced particles" as recited in claim 1 or "mixing curable resin particles comprising an epoxy resin and at least one curing agent with an aggregating agent in an aqueous dispersion" as recited in claim 10 because there would have been no reason to combine Wang with Patel.

As discussed during the interview, Wang does not describe an emulsion aggregation process. As such, it cannot be reasonably asserted to teach or suggest modifying the specific emulsion aggregation process of Patel to include the steps/features (3). In other words, one of skill in the art would not have had any reason to take the above steps/features from a process that is completely different, integrate them into the emulsion aggregation process of Patel, and then have any reasonable expectation of the process still being operable. Such an integration of steps and features from different processes only make sense in light of the instant specification. Thus, the assertion that Patel's failure to teach the steps/features of (3) is cured by Wang is only based upon hindsight reasoning.

In addition, the Office Action asserts that one of skill in the art would have combined Patel and Wang because the powder of Wang resists stains. However, there is no reasonable nexus between the toner composition of Patel and a need or advantage of making a toner composition for printing that resists stains in the manner described in Wang. The Office Action fails to establish a reason for combining the references as asserted. One of skill in the art would have had no reason to impart the properties or characteristics of Wang into the printing toner of Patel.

Patel and Wang would not have rendered obvious claims 1 and 10. Claims 3, 5-7, 11, 13-16, 21, 23, 30, 31, and 34-44 variously depend from either claim 1 or claim 10 and, thus, also would not have been rendered obvious by Patel and Wang. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

V. Rejoinder

Applicants also respectfully request rejoinder of non-elected method claims 17-20 and 24-29. Because claims 17-20 and 24-29 depend from and/or otherwise include all limitations of either claim 1 or claim 10, Applicants respectfully request that upon allowance of claims 1 and 10, claims 17-20 and 24-29 be rejoined as required under MPEP §821.04(a). Because

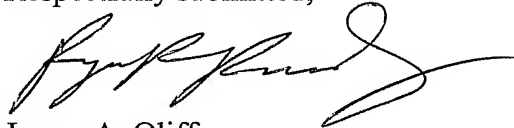
claims 1 and 10 are believed to be allowable for at least the reasons presented above,
Applicants respectfully request withdrawal of the Restriction Requirement and rejoinder of
claims 17-20 and 24-29.

VI. Conclusion

In view of the foregoing, Applicants respectfully submit that this application is in
condition for allowance. Applicants earnestly solicit favorable reconsideration and prompt
allowance of the application.

Should the Examiner believe that anything further would be desirable to place this
application in even better condition for allowance, the Examiner is invited to contact the
undersigned at the telephone number set forth below.

Respectfully submitted,



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